

# Exhibit 3

**Exhibit A – Proposed Constructions and Supporting Intrinsic and Extrinsic Evidence**

**A. U.S. Patent No. 8,588,110**

Term #	Claim Term	Headwater’s Proposed Construction and Supporting Evidence	Samsung’s Proposed Construction and Supporting Evidence
1	low-level policy agents  (Claims 12, 13)	<p>Not indefinite; plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  ’110 patent at Abstract, 5:28-12:22, 36:63-78:28, 81:12-36, Figs. 9, 16, 18-21, 29, 38, 43A-43B, 44A-44B, and associated written description; claims 1-13.</p> <p><b><u>Extrinsic Evidence</u></b>  IPR2024-01337 and related pleadings / filings / declarations</p> <p><i>Headwater v. Samsung</i>, No. 2:23-cv-00103-JRG-RSP (E.D. Tex.), Markman Order (Dkt. 118) and related pleadings / filings / declarations; including definitions and evidence regarding term “agent”</p>	<p>Indefinite</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  ’110 patent at 8:60-9:15; 13:49-14:43; 14:59-15:28; 26:53-27:30; 42:22-47; 48:4-37; 49:1-16; 53:15-50; 75:6-10; 83:52-84:9; 91:18-94:59; 95:27-64; 98:29-67; 104:66-105:37; claims 1, 12, 13.</p> <p><b><u>Extrinsic Evidence</u></b>  Telecom Dictionary (2007) [SAM-HW-3_00167856–00167858]</p>
2	low-level policy rule  (Claim 12)	<p>Not indefinite; plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  <i>See</i> Intrinsic Evidence for Term #1</p>	<p>Indefinite</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  ’110 patent at 8:60-9:15; 13:49-14:43; 14:59-15:28; 26:53-27:30; 42:22-47; 48:4-37; 49:1-</p>

Term #	Claim Term	Headwater's Proposed Construction and Supporting Evidence	Samsung's Proposed Construction and Supporting Evidence
		<p><b><u>Extrinsic Evidence</u></b> IPR2024-01337 and related pleadings / filings / declarations</p>	<p>16; 53:15-50; 75:6-10; 83:52-84:9; 91:18-94:59; 95:27-64; 98:29-67; 104:66-105:37; claims 1, 12.</p> <p><b><u>Extrinsic Evidence</u></b> Telecom Dictionary (2007) [SAM-HW-3_00167856-00167858]</p>
3	<p>first service activity is non-critical</p> <p>(Claim 9)</p>	<p>Not indefinite; plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> <i>See</i> Intrinsic Evidence for Term #1</p> <p><b><u>Extrinsic Evidence</u></b> IPR2024-01337 and related pleadings / filings / declarations</p> <p><i>Headwater v. Verizon/T-Mobile/AT&amp;T</i>, Nos. 2:23-cv-00352-JRG-RSP, 2:23-cv-00379-JRG-RSP, 2:23-cv-00377-JRG-RSP, 2:23-cv-00397-JRG-RSP, Markman Tentative, Forthcoming Markman Order, and related pleadings / filings / declarations; including findings and evidence regarding terms “service usage activity” and “background activity”</p>	<p>Indefinite</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> '110 patent at 95:65-96:47; claims 1, 9.</p>
4	<p>means for obtaining, through a user interface of the wireless device, a user input specifying at</p>	<p>Plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p>	<p><i>Pursuant to § 112(6):</i></p> <p>Function: obtaining, through a user interface of the wireless device, a user input</p>

Term #	Claim Term	Headwater's Proposed Construction and Supporting Evidence	Samsung's Proposed Construction and Supporting Evidence
	least an aspect of a first service policy  (Claim 26)	<p><b><u>Intrinsic Evidence</u></b> '110 patent at Abstract, 5:28-12:22, 36:63-78:28, 81:12-36, Figs. 7, 9, 16, 18-21, 22A-B, 23-24, 46, and associated written description; claims 1, 27.</p> <p><b><u>Extrinsic Evidence</u></b> IPR2024-01337 and related pleadings / filings / declarations</p>	<p>specifying at least an aspect of a first service policy</p> <p>Structure: a user interface and a processor configured to perform the algorithm steps of providing the user with information and accepting user choices or preferences on, e.g., service plan selection or change, and/or other service related information, settings, and/or options</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> '110 patent at 26:43-45; 26:52-27:30; 27:31-36:64; 36:65-37:2; 65:41-51; Figs. 9-16, 42D and associated written description; claims 1, 26.</p>
5	means for identifying that the wireless device is connected to the first wireless network  (Claim 26)	<p>Plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> See Intrinsic Evidence for Term #4</p> <p><b><u>Extrinsic Evidence</u></b> IPR2024-01337 and related pleadings / filings / declarations</p>	<p><i>Pursuant to § 112(6):</i></p> <p>Function: identifying that the wireless device is connected to the first wireless network</p> <p>Structure: a processor configured to perform the algorithm steps of recognizing the type of network to which the device is currently connecting, e.g., by looking up the information in a local or network table</p>

Term #	Claim Term	Headwater's Proposed Construction and Supporting Evidence	Samsung's Proposed Construction and Supporting Evidence
			<p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  '110 patent at 26:43-45; 26:52-27:30; 27:31-36:64; 36:65-37:2; 52:4-13; Figs. 9-16 and associated written description; claims 1, 26.</p>
6	<p>means for identifying an intended, attempted, or successful data communication over the first wireless network, the intended, attempted, or successful data communication being associated with the first service activity</p> <p>(Claim 26)</p>	<p>Plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  See Intrinsic Evidence for Term #4</p> <p><b><u>Extrinsic Evidence</u></b>  IPR2024-01337 and related pleadings / filings / declarations</p>	<p><i>Pursuant to § 112(6):</i></p> <p>Function: identifying an intended, attempted, or successful data communication over the first wireless network, the intended, attempted, or successful data communication being associated with the first service activity</p> <p>Structure: a processor configured to perform the algorithm steps of implementing traffic inspection points between the applications and the networking stack application interface using a T-buffer at socket connections and feeding the side traffic into a traffic flow analyzer</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b>  '110 patent at 26:43-45; 26:52-27:30; 27:31-36:64; 36:65-37:2; 53:51-55; 53:58-63; Figs.</p>

Term #	Claim Term	Headwater's Proposed Construction and Supporting Evidence	Samsung's Proposed Construction and Supporting Evidence
			9-16 and associated written description; claims 1, 26.
7	means for applying the first service policy  (Claim 26)	<p>Plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> See Intrinsic Evidence for Term #4</p> <p><b><u>Extrinsic Evidence</u></b> IPR2024-01337 and related pleadings / filings / declarations</p>	<p><i>Pursuant to § 112(6):</i></p> <p>Function: applying the first service policy</p> <p>Structure: a processor configured to perform the algorithm steps of performing a service control that reduces traffic speed for all applications and traffic types successively until the service usage projections are within service usage limits for the present service billing period</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> '110 patent at 26:43-45; 26:52-27:30; 27:31-36:64; 36:65-37:2; 48:38-49:1; Figs. 9-16 and associated written description; claims 1, 26.</p>

**B. U.S. Patent No. 9,647,918**

Term #	Claim Term	Headwater's Proposed Construction and Supporting Evidence	Samsung's Proposed Construction and Supporting Evidence
8	the calling device application  (Claims 1, 14)	<p>Not indefinite; plain and ordinary meaning</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> '918 patent at Abstract, 23:18-24:7, 47:59-48:46, 62:10-64:25, 74:45-76:34, 93:1-94:67, 105:41-117:25; Figs. 3, 12-13, 21, 28-30, 31A-31B, 32, 35 and associated written description; claims 2-13.</p> <p><b><u>Extrinsic Evidence</u></b> IPR2024-01396, -1397 and related pleadings / filings / declarations</p>	<p>Indefinite</p> <p><i>Supporting Evidence:</i></p> <p><b><u>Intrinsic Evidence</u></b> '918 patent at 124:28-63; 126:32-64; claims 1, 14.</p>